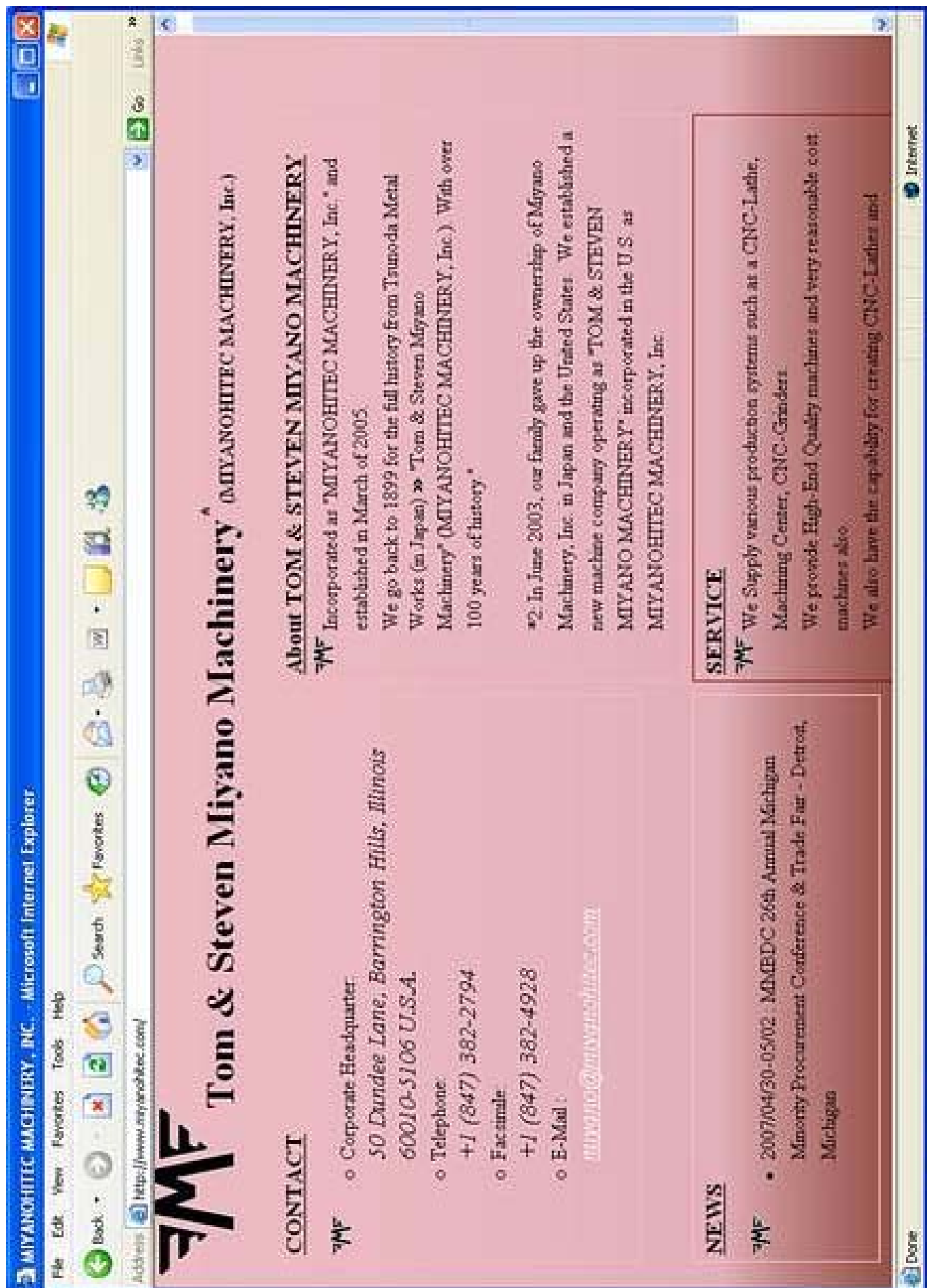


# **Exhibit 12**



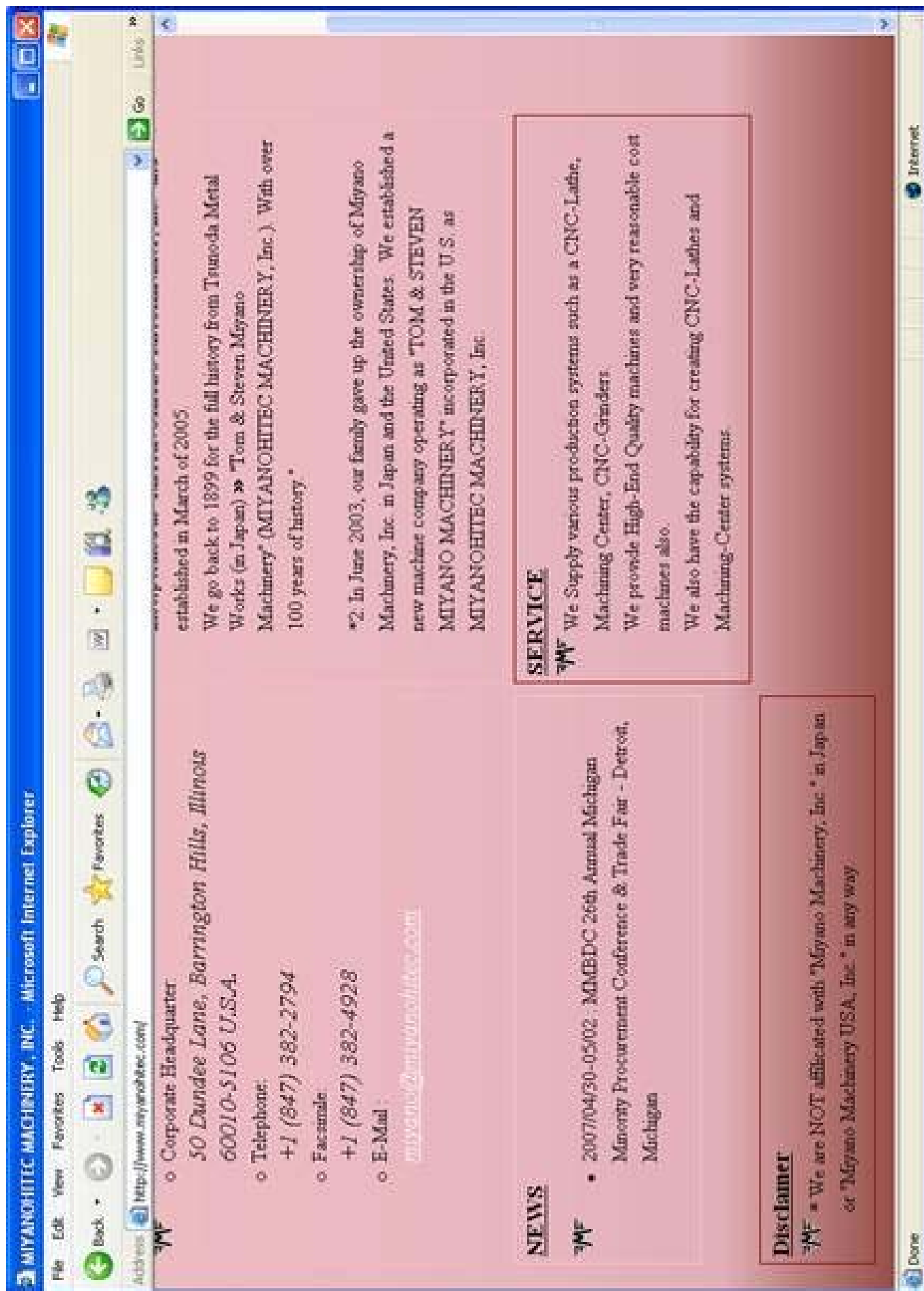


Exhibit 12

# **Exhibit 13**

**TOM & STEVEN MIYANO MACHINERY** (MiyanoHitec Machinery, Inc.) CNC Machines [Lathe, Jig Borer, Machining Centers, Grinders, Gear Shavers, Metal...]

File Edit View History Bookmarks Tools Help

http://www.miyanoHITEC.com/

**MBE** **TOM & STEVEN MIYANO MACHINERY**  
(MiyanoHitec Machinery, Inc.)

**Components**



**Machine Rep.**



**Our Machines**



**news**

October 28 - 31 - "2007 Conference and Business Opportunity Fair" - Miami Beach/Florida

June 21 - Added "Components Division" link from top page.

April 30 - May 2, 2007 - 26th Annual Michigan Minority Procurement Conference and Trade Fair - Detroit/Michigan

April 2 - 4, 2007 - 40th Annual Chicago Business

**service**

We as a certified MBE provide the following services:

We supply various CNC production system ranging from max. load 8 tons to 5 axis multi palette *Jig Borer*s, precision *Gear Shaving machines*, to ordinary *CNC Lathes*, *Machining Centers*, *CNC Grinding machines* from High-End Quality machines to very reasonable cost machines.

We also supply Components **cold** /or **hot** formed vital components such as Clutch Guide Hubs and Pistons, Torque Converter Hubs and Sleeves, Fan Drive Hubs, Axle Tubde Flange, cam shaft, e.t.c.

We also have the capability for creating CNC Lathes and Machining Center systems

**contact**

Corporate Headquarter:  
50 Dundee Lane, Barrington Hills, Illinois 60010  
Tel: 847-382-2794 Fax: 847-382-4928 E-mail: [miyano@miyanohitec.com](mailto:miyano@miyanohitec.com)


**disclamer**

\*We are not affiliated with Miyano Machinery, Inc. in Japan and Miyano Machinery USA, Inc. in any way.


Done

# **Exhibit 14**



 MIYANOHITEC MACHINERY, INC.



 MIYANOHITEC MACHINERY, INC.

50 Dundee Lane, Barrington Hills, Illinois 60010-5106 USA

\*We are not affiliated in any way with Miyano Machinery USA, Inc. and Miyano Machinery, Inc. in Japan.





# **Exhibit 15**

[Visitors](#)   [Exhibitors](#)   [International](#)   [Media](#)
[Find an Exhibitor](#) | [Floor Plans](#) | [Why Attend](#) | [Show Info](#) | [Student Summit](#) | [Hotel and Travel](#) | [MyMap](#)
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International Manufacturing Technology Show



## also ...

[Fact Sheet](#)[Pavilions](#)[History](#)[Show Highlights](#)[IMTS 2006 Wrap Up](#)

IMTS 2008 Show Dates:

SEPTEMBER

8-13

McCormick Place Chicago, Illinois

ADD TO OUTLOOK CALENDAR

## imts e-newsletter

The IMTS Compass e-newsletter is your "how-to" guide for the BIG Show. We'll let you know when **registration opens**, give you travel info and tips and tricks. Enter your e-mail and click SUBMIT to start your subscription.

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SUBMIT

## IMTS Fact Sheet

**Name of Show:** IMTS 2008 - International Manufacturing Technology Show**Show Sponsor:** AMT-The Association For Manufacturing Technology**Show Dates:** September 8-13, 2008**Show Location:** McCormick Place, Chicago, IL USA**About the Event:**

IMTS 2008 is the 27th edition of the premier manufacturing technology show in North America. More than 1,200 exhibiting companies will occupy 1.2 million net square feet of exhibit space at the McCormick Place complex in Chicago, Illinois. IMTS is held every even-numbered year in Chicago and attracts more 90,000 buyers and sellers from 119 countries.

**Pavilions:**

To help guide attendees to booths quickly and easily, we organize exhibits in Pavilions that are geared toward specific industries, technologies and solutions. Following is the list of Pavilions: Abrasive Machining/Sawing/Finishing; Controls & CAD/CAM; EDM; Gear Generation; Machine Components/Cleaning/Environmental; Metal Cutting; Metal Forming & Fabricating/Lasers; Quality Assurance; and Tooling and Workholding Systems.

**Attendees:**

Manufacturing industry professionals from the United States and from over 119 countries from around the world attend IMTS. They attend to see more than 15,000 new machine tools, controls, computers, software, components, systems and processes that can improve their efficiency. They will also gain valuable ideas and insights from over 1,200 of the worlds leading equipment producers. They come to look and they come to buy.

**Exhibitors:**

Over 1,200 exhibitors from the metalworking industry will display their products and productivity solutions at McCormick Place in Chicago covering 1.2 net square foot of show floor. Leading manufacturers will display their equipment in the following product category pavilions: Metal Cutting: Contains everything from machining centers and assembly automation to Flexible Manufacturing Systems and lathes. Tooling & Work holding Systems: Features jigs, fixtures, cutting tools of all types and related accessories. Metal Forming & Fabricating/Laser: Home to all type of presses as well as laser systems, coil and strip handling equipment, heat treating and more.

Other pavilions at IMTS include Abrasive Machining /Sawing/Finishing; Controls & CAD –CAM; EDM; Gear Generation; Machine Components/ Cleaning/ Environmental and Quality Assurance.

**Manufacturing Business and Technology Forum**

**"Where Technology and Business Connect"** The IMTS Forum brings together experts from the industry to give you the most useful and up-to-date technical information available.

Program to be presented by AMT, SME and other association partners. Details to follow.

**Show Registration Fees**

Registration will open in January 2008.

**Exhibits Only Registration:** \$25.00 if registered on or before August 1, 2008. After August 1, 2008 registration is \$50.00. To save money, take advantage of the special price given for groups. To qualify as a group, you must have 5 or more people from the same company, and everyone must register at the same time. Group registration is \$15.00/person.

Subscribe to the "IMTS Compass e-newsletter" (look below left-hand navigation) and you will be notified when registration opens.

**Show Management**

AMT - The Association For Manufacturing Technology  
7901 Westpark Drive  
McLean, VA 22102-4206 USA  
<http://www.amtonline.org>

Return to [Show Info](#) main page



CONNECTING GLOBAL TECHNOLOGY

International Manufacturing Technology Show: September 8-13, 2008 McCormick Place Chicago, IL  
Copyright © 2007 AMT-The Association For Manufacturing Technology, All Rights Reserved - [Important Info](#)

## Exhibit 15

# **Exhibit 16**

September 8-13, 2008  
TS 3/5/07

Booths and Aisles:

- A-8001 Sugino
- A-8002 Trevisan
- A-8003 Bardone & Oliver
- A-8004 PS Tech.
- A-8005 CMS
- A-8006 A-8020
- A-8007 South Western Ind.
- A-8008 A-8036 Olympia
- A-8009 Hey
- A-8010 DahLiH
- A-8011 Robotic
- A-8012 A-8054
- A-8013 Kitamura
- A-8014 Mighty USA
- A-8015 A-8058
- A-8016 Maint. Miyano Service Hitec
- A-8017 A-8162 A-8084
- A-8018 LiCon Datron
- A-8019 A-8165 A-8085
- A-8020 JET
- A-8021 JJK
- A-8022 A-8267
- A-8023 Tacchi
- A-8024 AFM
- A-8025 A-8272
- A-8026 Mikron Monroe
- A-8027 A8274
- A-8028 A-8286
- A-8029 Fortune
- A-8030 Cubic
- A-8031 A-8380
- A-8032 A-8276
- A-8033 SB Machine
- A-8034 A-8275
- A-8035 Schutte
- A-8036 A-8377
- A-8037 Heller
- A-8038 Tong Tai
- A-8039 A-8478
- A-8040 Hanwha
- A-8041 Sharp
- A-8042 Fastems
- A-8043 A-8588
- A-8044 A-8488
- A-8045 A-8485
- A-8046 A-8387
- A-8047 A-8369
- A-8048 Ingersoll
- A-8049 A-8363
- A-8050 A-8266
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- A-8052 Starag Heckert
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- A-8229 A-8253</



# **Exhibit 17**

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA137480**Filing date: **04/25/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following parties request to cancel indicated registration.

**Petitioner Information**

Name	Mr.TomMiyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Name	Mr.StevenMiyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Attorney information	Vernon Francissen 53 W. Jackson Blvd., Suite 1320 Chicago, IL 60604 UNITED STATES vern@francissenpatentlaw.com, robert@karton.us Phone:(312)294-9980
----------------------	--

**Registration Subject to Cancellation**

Registration No	1217317	Registration date	11/23/1982
Registrant	MIYANO MACHINERY INC. 940 NORTH CENTRAL AVENUE WOOD DALE, IL 60191 UNITED STATES		
Goods/Services Subject to Cancellation	Class 007. First Use: 1970/01/00 , First Use In Commerce: 1970/01/00 Goods/Services: Power Lathes, and Bar Feeders Therefor		
Grounds for Cancellation	Abandonment Trademark Act section 14		

Attachments	Petition to Cancel.PDF ( 3 pages )(213306 bytes )
-------------	---

Signature	/vernon w. francissen/
Name	Vernon Francissen
Date	04/25/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK AND APPEAL BOARD**

In the matter of Registration No. 1,217,317:  
Date registered: November 23, 1982

M MIYANO with design

TOM MIYANO AND STEVEN MIYANO )

Petitioners, )

v. )

MIYANO MACHINERY INC. )

Respondent, )

Cancellation No. \_\_\_\_\_

**PETITION FOR CANCELLATION**

Petitioners Tom and Steven Miyano, individuals located and doing business at 50 Dundee Lane, Barrington Hills, Illinois, hereby petition for cancellation of Respondent's U.S. Trademark Reg. No. 1,217,317 for M MIYANO with design on the ground of abandonment. In support of the petition, Petitioners allege as follows:

1. On information and belief, Respondent has made no use of the mark M MIYANO with design in connection with the goods/services listed in the existing registration for at least three consecutive years preceding the filing of this petition for cancellation and Respondent has no intent to resume such use.

2. As a result of Respondent's failure to use the M MIYANO with design with intent not to resume such use, the M MIYANO with design mark that is the subject of Registration No. 1,217,317 has become abandoned for purposes of Section 45 of the Trademark Act.

3. Further, at the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317, Petitioner Tom Miyano was President of Registrant Miyano Machinery (U.S.A.) Inc.

4. Registrant Miyano Machinery (U.S.A.) Inc. is predecessor in interest to Respondent Miyano Machinery Inc.

5. Petitioner Tom Miyano, as President of Registrant Miyano Machinery (U.S.A.) Inc., instructed that Registration No. 1,217,317 not be renewed because the M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration.

6. The M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration at the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317.

In re the matter of Registration No. 1,217,317

7. The allegations of use set forth in the Section 8 Declaration of Continued Use were, therefore, fraudulent allegations made to deceive the Patent and Trademark Office into maintaining Registration No. 1,217,317 when the registration should properly have been canceled for nonuse.

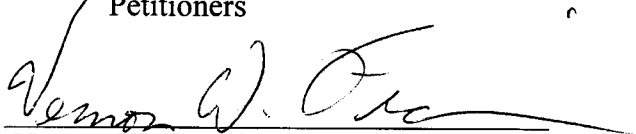
WHEREFORE, Petitioner prays that the petition for cancellation be granted with Registration No. 1,217,317 being ordered canceled.

Petitioners submit the required fee of \$300.00. If the fee is found deficient for any reason, please charge the deficiency to Deposit Account No. 503594.

Respectfully submitted,

TOM AND STEVEN MIYANO,  
Petitioners

By:



Vernon W. Francissen, Reg. No. 41,762

Attorney for Petitioners

FRANCISSSEN PATENT LAW, P.C.

53 W. Jackson Blvd., Suite #1320

Chicago, Illinois 60604

(312)294-9980 telephone

(312)275-8772 facsimile

Customer No.: 54384

Robert M. Karton

Attorney for Petitioners

Robert M. Karton, Ltd.

77 W. Washington St., Suite 900

Chicago, Illinois 60602-2804

(312)214-0900 telephone

(312)214-4230 facsimile

Date: April 25, 2007



In re the matter of Registration No. 1,217,317

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing PETITION FOR CANCELLATION was served on MIYANO MACHINERY INC. was mailed, first-class postage prepaid, on the date shown below to: George Kobayashi, Musada Funai, 203 N. LaSalle Street, Suite 2500, Chicago IL 60601-1262.

Date:

April 25, 2007

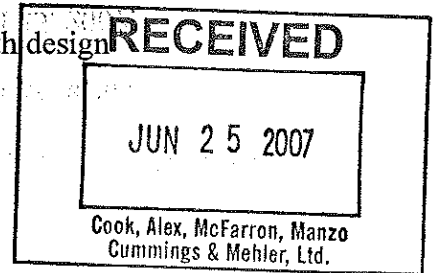
Vernon W. Fran

# **Exhibit 18**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 1,217,317:  
Date registered: November 23, 1982

M MIYANO with design



TOM MIYANO AND STEVEN MIYANO, )

Petitioners, )

v. )

MIYANO MACHINERY, INC., )

Respondent. )

Cancellation No. 92047422

**MOTION OF PETITIONERS FOR LEAVE TO FILE,  
*INSTANTER*, AMENDED PETITION FOR CANCELLATION**

Tom and Steven Miyano, Petitioners herein, by their attorneys, move for leave to file, *instantly*, their Amended Petition for Cancellation and, in support thereof, state:

1. Petitioners filed their Petition for Cancellation on April 25, 2007.
2. Petitioners were served with Respondent's Motion to Dismiss by mail posted June 4, 2007.
3. Petitioners believe that said Motion to Dismiss is legally insufficient in that the Petition provided adequate notice to Respondent under Fed. R. Civ. P. 8. Further, Petitioners respectfully submit that the amended petition is made as a matter of course as provided under Fed. R. Civ. P. 15(a) because Respondent's motion is directed to the pleadings and not a responsive pleading. *See James V. Hurson Assocs. v. Glickman*, 229 F.3d 277, 282-83 (D.C.Cir. 2000). However, in the interest of judicial economy, Petitioners ask leave to file, *instantly*, their Amended Petition for Cancellation, which more fully sets forth the essential elements for said Petition, including, but not limited to, the damage to be sustained by Petitioners by the continuation of Trademark Reg. No. 1,217,317 for the M MIYANO with design ("the Mark"),

which Respondent has abandoned as set forth in said Petition, which had continued to be abandoned prior to the original filing of the Petition, and which was fraudulently maintained.

4. This Motion is made in the interests of justice and not for the purpose of delay.

WHEREFORE, Petitioners move that their Motion for Leave to File, *instantly*, their attached Amended Petition for Cancellation be granted, that the suspension of these proceedings be vacated, and that Respondent be granted leave to answer or otherwise plead in accordance with applicable law.

Respectfully submitted,

TOM AND STEVEN MIYANO,  
Petitioners

By: /s/ Robert M. Karton /s/  
Vernon W. Francissen, Reg. No. 41,762  
Attorney for Petitioners  
FRANCISSSEN PATENT LAW, P.C.  
53 W. Jackson Blvd., Suite #1320  
Chicago, Illinois 60604  
(312)294-9980 telephone  
(312)275-8772 facsimile  
Customer No.: 54384

Robert M. Karton  
Attorney for Petitioners  
ROBERT M. KARTON, LTD.  
77 W. Washington St., Suite 900  
Chicago, Illinois 60602-2804  
(312)214-0900 telephone  
(312)214-4230 facsimile

Date: June 22, 2007



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 1,217,317:  
Date registered: November 23, 1982

M MIYANO with design

TOM MIYANO AND STEVEN MIYANO )

Petitioners, )

v. )

MIYANO MACHINERY INC. )

Respondent, )

Cancellation No. 92047422

**AMENDED PETITION FOR CANCELLATION**

Petitioners Tom and Steven Miyano, individuals located and doing business at 50 Dundee Lane, Barrington Hills, Illinois, hereby petition for cancellation of Respondent's U.S. Trademark Reg. No. 1,217,317 for M MIYANO with design on the grounds of abandonment and fraud. In support of the petition, Petitioners allege as follows:

1. On information and belief, the current owner of Trademark Reg. No. 1,217,317 for M MIYANO with design ("the Mark") is Respondent Miyano Machinery Inc.

2. Respondent has threatened to assert the rights under Registration No. 1,217,317 against the following mark currently used by Petitioners:



3. Petitioners own the right to use the mark shown in paragraph 2 in Japan.

4. Petitioners began using the mark shown in paragraph 2 in the United States at least as early as November 3, 2006.

5. Accordingly, Respondent's continued ownership and maintenance of Registration No. 1,217,317 is or will be damaging to Petitioners.

**Count I: Abandonment**

6. Petitioners repeat and re-allege paragraphs 1-5 as though fully set forth herein.

7. On information and belief, Respondent has made no use of the Mark M MIYANO with design in connection with the goods/services listed in the existing registration for at least

In re the matter of Registration No. 1,217,317  
Cancellation No. 92047422

three consecutive years preceding the filing of this petition for cancellation and Respondent has no intent to resume such use.

8. As a result of Respondent's failure to use the M MIYANO with design with intent not to resume such use, the M MIYANO with design mark that is the subject of Registration No. 1,217,317 has become abandoned for purposes of Section 45 of the Trademark Act.

**Count II: Fraud**

9. Petitioner's repeat and re-allege paragraphs 1-5 as though fully set forth herein.

10. In 2002, George Kobayashi filed a required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317 stating that the owner was using or was using through a related company the mark in commerce on or in connection with the goods/services.

11. On information and belief, Registrant Miyano Machinery (U.S.A.) Inc. is predecessor in interest to Respondent Miyano Machinery Inc.

12. At the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317, Petitioner Tom Miyano was President of Registrant Miyano Machinery (U.S.A.) Inc.

13. Petitioner Tom Miyano, as President of Registrant Miyano Machinery (U.S.A.) Inc., instructed that Registration No. 1,217,317 not be renewed because the M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration.

14. The M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration at the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317.

15. The allegations of use set forth in the Section 8 Declaration of Continued Use were fraudulent allegations made to deceive the Patent and Trademark Office into maintaining Registration No. 1,217,317 when the registration should properly have been canceled for nonuse.

WHEREFORE, Petitioners pray that the petition for cancellation be granted with Registration No. 1,217,317 being ordered canceled.

Petitioners submit that this amended petition is made as a matter of right as provided under Fed. R. Civ. P. 15(a) because Respondent's motion is directed to the pleadings and not responsive to the pleadings. In the alternative, Petitioners request that the Board grant leave to amend. Petitioners submit that the required fees were paid with the initial filing of the Petition. If the fee is found deficient for any reason, please charge the deficiency to Deposit Account No. 503594.

In re the matter of Registration No. 1,217,317  
Cancellation No. 92047422

Respectfully submitted,

TOM AND STEVEN MIYANO,  
Petitioners

By: /s/ Vernon W. Francissen /s/  
Vernon W. Francissen, Reg. No. 41,762  
Attorney for Petitioners  
FRANCISSEN PATENT LAW, P.C.  
53 W. Jackson Blvd., Suite #1320  
Chicago, Illinois 60604  
(312)294-9980 telephone  
(312)275-8772 facsimile  
Customer No.: 54384

Robert M. Karton  
Attorney for Petitioners  
Robert M. Karton, Ltd.  
77 W. Washington St., Suite 900  
Chicago, Illinois 60602-2804  
(312)214-0900 telephone  
(815)301-9114 facsimile

Date: June 22, 2007

In re the matter of Registration No. 1,217,317  
Cancellation No. 92047422

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing MOTION OF PETITIONERS FOR LEAVE TO FILE, *INSTANTER*, AMENDED PETITION FOR CANCELLATION and AMENDED PETITION FOR CANCELLATION was served on MIYANO MACHINERY INC. was mailed, first-class postage prepaid, on the date shown below to: Joel H. Bock, Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., 200 W. Adams St., Suite 2850, Chicago IL 60606 and George Kobayashi, Musada Funai, 203 N. LaSalle Street, Suite 2500, Chicago IL 60601-1262.

Date: June 22, 2007                      /s/ Vernon W. Francissen /s/



# **Exhibit 19**

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA175591**Filing date: **11/19/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following parties request to cancel indicated registration.

**Petitioner Information**

Name	Mr. Tom Miyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Name	Mr. Steven Miyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Attorney information	Vernon W. Francissen 53 W. Jackson Blvd., Suite 1320 Chicago, IL 60604 UNITED STATES vern@francissenpatentlaw.com Phone:312-294-9980
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**Registration Subject to Cancellation**

Registration No	3328718	Registration date	11/06/2007
Registrant	Miyano Machinery USA, Inc. 940 North Central Avenue Wood Dale, IL 60191 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 007. First Use: 1975/01/09 First Use In Commerce: 1975/01/09  
All goods and services in the class are cancelled, namely: Machines and machine tools, namely, turning centers, lathes, vertical machining centers and all parts therefor

**Grounds for Cancellation**

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Related Proceedings	Cancellation No. 92047422
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Attachments	Petition_for_Cancellation_MIYANO.pdf ( 4 pages )(79631 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Vernon W. Francissen /s/
Name	Vernon W. Francissen
Date	11/19/2007

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 3328718

U.S. Trademark Application No. 77/111,956: MIYANO standard character mark

Filing date: February 20, 2007

TOM MIYANO AND STEVEN MIYANO	)	
	)	
Petitioners,	)	
	)	
v.	)	Cancellation No. TBD
	)	
MIYANO MACHINERY USA INC.	)	
	)	
Respondent,	)	

PETITION FOR CANCELLATION

Petitioners Tom Miyano and Steven Miyano, individuals located and doing business at 50 Dundee Lane, Barrington Hills, Illinois, hereby petition for cancellation of Respondent's Registration No. 3328718 for the standard character mark MIYANO on the grounds that (1) the mark was obtained contrary to the provisions of 15 U.S.C. §1052(c) in that the mark identifies petitioners who are living individuals who have not given consent to have their surname registered as a trademark; and (2) Respondent knew of the existence of each of the Petitioners and that the mark is Petitioners' surname and, therefore, the registration was obtained by fraud on the Trademark Office. In support of the petition, Petitioners allege as follows:

1. On information and belief, the current owner of the trademark Registration No. 3328718 for the standard character mark MIYANO ("the Mark") is Respondent Miyano Machinery USA Inc.
2. Petitioner Tom Miyano is a living individual with the surname "Miyano".
2. Petitioner Steven Miyano is a living individual with the surname "Miyano".
3. Petitioners are well known in the industry of machinery and machine tools.
4. The relevant public identifies the name "Miyano" with Petitioners.
5. Petitioners did not give their consent to Respondent's registration of their surname as a mark.
6. Petitioner Tom Miyano was formerly President of Respondent Miyano Machinery USA Inc.

7. Respondent knew of the existence of Petitioners at the time of filing of U.S. Trademark Appl. No. 77/111,956, which resulted in the issuance of Registration No. 3328718, and during the pendency thereof.

8. Petitioners will be irreparably harmed by Respondent's continued ownership and maintenance of a registration of Petitioners' surname.

**Count I: Registration Contrary to 15 U.S.C. §1052(c)**

9. Petitioners repeat and re-allege paragraphs 1-8 as though fully set forth herein.

10. The Mark being the name of Petitioners and identifying Petitioners to the relevant public for the goods identified in the description of goods, the Mark was registered contrary to the provisions of 15 U.S.C. §1052(c) in that the mark consists of the name of these particular living individuals who have not given consent to have their name registered as a mark.

**Count II: Fraud**

11. Petitioners repeat and re-allege paragraphs 1-10 as though fully set forth herein.

10. In February 20, 2007, George Kobayashi filed a Declaration on behalf of Respondent stating that "no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her that all statements made on information and belief are believed to be true."

11. At the time that the declaration described in paragraph 10 was signed, Respondent knew of the existence of the Petitioners and that Petitioners were using their surname in connection with goods falling within Respondent's description of goods/services.

12. At the time that the declaration described in paragraph 10 was signed, Respondent knew that Respondent's use of the Mark was likely to cause confusion, mistake or to deceive the relevant public for the described goods.

13. At the time that the declaration described in paragraph 10 was signed, prior Registration no. 1,217,317 was being maintained by Respondent through fraud and is the subject of Cancellation no. 92047422.

14. The Declaration on behalf of Respondent being knowingly false, the Registration was obtained through fraud on the Trademark Office.

WHEREFORE, Petitioners pray that the petition for cancellation be granted with Registration No. 3328718 for the standard character mark MIYANO being ordered canceled.

Respectfully submitted,

TOM MIYANO and STEVEN MIYANO,  
Petitioners

By: /s/ Vernon W. Francissen /s/  
Vernon W. Francissen, Reg. No. 41,762  
Attorney for Petitioners  
FRANCISSEN PATENT LAW, P.C.  
53 W. Jackson Blvd., Suite #1320  
Chicago, Illinois 60604  
(312)294-9980 telephone  
(312)275-8772 facsimile  
Customer No.: 54384

Robert M. Karton  
Attorney for Petitioners  
Robert M. Karton, Ltd.  
77 W. Washington St., Suite 900  
Chicago, Illinois 60602-2804  
(312)214-0900 telephone  
(815)301-9114 facsimile

Date: November 19, 2007



CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing **PETITION FOR CANCELLATION** was mailed, first-class postage prepaid, on the date shown below to: George Kobayashi, Musada Funai, 203 N. LaSalle Street, Suite 2500, Chicago IL 60601-1262.

Date: November 19, 2007                      /s/ Vernon W. Francissen /s/

# **Exhibit 20**

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 09/30/2008)

**Trademark/Service Mark Application, Principal Register****Serial Number: 77111956****Filing Date: 02/20/2007****The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	77111956
<b>MARK INFORMATION</b>	
*MARK	MIYANO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MIYANO
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Miyano Machinery USA, Inc.
*STREET	940 North Central Avenue
*CITY	Wood Dale
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	60191
PHONE	312-245-7500
FAX	312-245-7467
EMAIL ADDRESS	gkobayashi@masudafunai.com
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Illinois
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	007
DESCRIPTION	Machines and machine tools, namely, turning centers, lathes, vertical machining centers and all parts therefor.
FILING BASIS	SECTION 1(a)

FIRST USE ANYWHERE DATE	At least as early as 01/09/1975
FIRST USE IN COMMERCE DATE	At least as early as 01/09/1975
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT12\771\119 \77111956\xml1\APP0003.JPG
SPECIMEN DESCRIPTION	Mark as displayed on goods.
<b>ADDITIONAL STATEMENTS SECTION</b>	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 1473925, 1527809, and 1217317.
<b>ATTORNEY INFORMATION</b>	
NAME	George H. Kobayashi
ATTORNEY DOCKET NUMBER	2260-2005
FIRM NAME	Masuda, Funai, Eifert & Mitchell, Ltd.
STREET	203 N. LaSalle Street
INTERNAL ADDRESS	Suite 2500
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60601
PHONE	312-245-7500
FAX	312-245-7467
EMAIL ADDRESS	gkobayashi@masudafunai.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Nancy E. Sasamoto
<b>CORRESPONDENCE INFORMATION</b>	
NAME	George H. Kobayashi
FIRM NAME	Masuda, Funai, Eifert & Mitchell, Ltd.
STREET	203 N. LaSalle Street
INTERNAL ADDRESS	Suite 2500
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60601
PHONE	312-245-7500

FAX	312-245-7467
EMAIL ADDRESS	gkobayashi@masudafunai.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEE DUE	325
<b>SIGNATURE INFORMATION</b>	
SIGNATURE	/George H. Kobayashi/
SIGNATORY'S NAME	George H. Kobayashi
SIGNATORY'S POSITION	Attorney at Law
DATE SIGNED	02/20/2007
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Feb 20 20:33:30 EST 2007
TEAS STAMP	USPTO/BAS-206.165.85.15-2 0070220203330459346-77111 956-360cf6e75394149f992ed 47dad13f5a684-CC-1003-200 70220202855467427

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 09/30/2008)

**Trademark/Service Mark Application, Principal Register****Serial Number: 77111956****Filing Date: 02/20/2007****To the Commissioner for Trademarks:****MARK:** MIYANO (Standard Characters, see mark)

The literal element of the mark consists of MIYANO. The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Miyano Machinery USA, Inc., a corporation of Illinois, having an address of 940 North Central Avenue, Wood Dale, Illinois, United States, 60191, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 007: Machines and machine tools, namely, turning centers, lathes, vertical machining centers and all parts therefor.

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 007, the mark was first used at least as early as 01/09/1975, and first used in commerce at least as early as 01/09/1975, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Mark as displayed on goods..

Specimen File1

**Exhibit 20**

The applicant claims ownership of U.S. Registration Number(s) 1473925, 1527809, and 1217317.

The applicant hereby appoints George H. Kobayashi and Nancy E. Sasamoto of Masuda, Funai, Eifert & Mitchell, Ltd., Suite 2500, 203 N. LaSalle Street, Chicago, Illinois, United States, 60601 to submit this application on behalf of the applicant. The attorney docket/reference number is 2260-2005.

Correspondence Information: George H. Kobayashi  
Suite 2500  
203 N. LaSalle Street  
Chicago, Illinois 60601  
312-245-7500(phone)  
312-245-7467(fax)  
gkobayashi@masudafunai.com (authorized)

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /George H. Kobayashi/ Date Signed: 02/20/2007

Signatory's Name: George H. Kobayashi

Signatory's Position: Attorney at Law

RAM Sale Number: 1003

RAM Accounting Date: 02/21/2007

Serial Number: 77111956

Internet Transmission Date: Tue Feb 20 20:33:30 EST 2007

TEAS Stamp: USPTO/BAS-206.165.85.15-2007022020333045

9346-77111956-360cf6e75394149f992ed47dad

13f5a684-CC-1003-20070220202855467427



MIYANO



Exhibit 20